

## **CITY COUNCIL MINUTES**

**May 14, 2012**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, May 14, 2012 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

**These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.**

### **ROLL CALL:**

**Present:** M<sup>c</sup>Ginn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

### **PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance is led by Councilman Friend.

Fellow Councilmen and those in the audience, welcome to the May 14, 2012 meeting of the Common Council.

### **COUNCIL ATTORNEY**

John Hamilton is City Council Attorney this evening.

### **SERGEANT AT ARMS**

This evening Officer Montgomery is Sergeant at Arms.

### **READING AND AMENDMENT OF MINUTES**

Is there a motion to approve the minutes of the April 23, 2012 meeting of the Common Council as written?

Councilman Friend moved and Councilman O'Daniel seconded the motion to approve the minutes of the regular meeting of the Common Council held April 23, 2012. Voice vote.  
So ordered.

### **REPORTS AND COMMUNICATIONS**

#### **IN YOUR MAY 11<sup>TH</sup> PACKET:**

- \*City Council Agenda for the May 14, 2012 City Council meeting.
- \*Committee Meeting Schedule.
- \*City Council Meeting Minutes from the April 23, 2012.
- \*Ordinances G-2012-7, G-2012-8, and G-2012-9.
- \*Ordinances F-2012-5 Addendum, F-2012-6, and F-2012-7.
- \*Resolution Docket C-2012-7.
- \*Rezoning Ordinance R-2012-4 as amended.
- \*Rezoning Ordinance R-2012-12.
- \*Area Plan Commission Staff Field Reports and Minutes from April 12, 2012 APC Meeting.

- \*List of Meetings for May, 2012 in the City/County Administration Bldg.
- \*Financial Report dated March 2012.
- \*Legal Aid Society Invitation.
- \*EMA report on CD.

Councilman Friend moved and Councilman Lindsey seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

# **CONSENT AGENDA**

## **FIRST READING OF ORDINANCES OR RESOLUTIONS**

### **ORDINANCE G-2012-7                      PUBLIC WORKS                      McGINN**

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the right-of-way part of S.E. 5<sup>th</sup> Street, in Donation Enlargement

### **ORDINANCE G-2012-8                      A.S.D.                      MOSBY**

An Ordinance designating a Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission for Non-Quota Liquor Licenses

### **ORDINANCE G-2012-9                      FINANCE (FRIEND)                      RILEY**

An Ordinance Repealing Ordinance F-2012-1

### **ORDINANCE F-2012-6                      FINANCE                      FRIEND**

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

### **ORDINANCE F-2012-7                      FINANCE                      FRIEND**

An Ordinance of the Common Council of the City of Evansville approving the Issuance of Refunding Bonds of the City of Evansville, Indiana, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

### **ORDINANCE R-2012-12                      TO APC                      CO-2 to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 301 Chestnut Street, Evansville, Indiana 47713

Petitioner:                      CAD Group, LLC  
 Owners:                      Masonic Temple  
 Representative:                      Craig Goedde  
 District:                      Connie Robinson, Ward 4

Councilman Adams moved and Councilman O'Daniel seconded the motion to adopt the Consent Agenda First Reading as written. Voice vote. So ordered.

**CONSENT AGENDA**

**SECOND READING OF ZONING ORDINANCES**

**ORDINANCE R-2012-5 amended FROM APC**

**C-4 & R-1 to C-4 with U & D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2317 S. Weinbach Avenue & 1804 E. Riverside

Petitioner: East Side Marine, Inc.  
Owners: Robert Wayne and Dixie Lee Herendeen  
Representative: Krista B. Lockyear  
District: Missy Mosby, Ward 2

This petition comes forward with a recommendation from the Area Plan Commission, having 8 affirmative votes, 2 negative votes, and 1 abstention.

**ORDINANCE R-2012-6**

**FROM APC**

**R-1 to R-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2015 N. Weinbach Avenue.

Petitioner: Robert K. Barber  
Owners: Robert K. & Teresa E. Barber  
Representative:  
District: Stephanie Brinkerhoff-Riley, Ward 3

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes and 1 abstention.

**ORDINANCE R-2012-7**

**FROM APC**

**M-3 to M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1417 N. Stockwell Road.

Petitioner: Jerry, Betty & Andrea Will, Audrey Christie  
Owners: Jerry, Betty & Andrea Will, Audrey Christie  
Representative:  
District: John Friend, Ward 5

This petition comes forward with a recommendation for approval, having 11 affirmative votes.

**ORDINANCE R-2012-8**

**FROM APC**

**R-2 to C-2 with U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3220 Igelheart Avenue.

Petitioner: Gary and Sarah Cooper  
Owners: Gary and Sarah Cooper  
Representative:  
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval, having 11 affirmative votes.

Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman Friend moved and Councilman Weaver seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. So ordered. Council now stands at Third Reading which is final action.

### **REGULAR AGENDA**

### **THIRD READING OF ZONING ORDINANCES**

### **ORDINANCE R-2012-5 amended FROM APC**

**C-4 & R-1 to C-4 with U & D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2317 S. Weinbach Avenue & 1804 E. Riverside  
Petitioner: East Side Marine, Inc.

**Krista Lockyear:** Madam President, members of Council, my name is Krista Lockyear and I represent our petitioner, East Side Marine, Inc. East Side Marine is a local boat dealership that has been in operation under local ownership since the 1950s at this particular location. Bob and Dixie Herendeen began the business and they run it now with their two children, Ron Herendeen and Kim Cooper, who are both here with me and can answer any questions you may have as we move through our presentation.

This property began as a boat storage facility and boat works in the 1950's. At that point in time rezoning as we know it was not in existence and over the years they have expanded and now are seeking to expand to the lot south of them on Weinbach for the construction of a new warehouse for the storage of boats. In preparing for this rezoning, the Herendeens came to me and we looked at their properties and given the vicinity of some residences in this area, we went ahead prepared a Use & Development Commitment that is attached to the zoning ordinance. The Herendeens did meet with their neighbors and after various discussions, in the Use & Development Commitment you'll see that we restricted the use of this property from the type of uses that tend to bring traffic or noise late at night into the area: bars, taverns, restaurants, hotels, anything like that.

We move forward with this rezoning petition, seeking to rezone all the properties that the Herendeens own. At the Area Plan Commission hearing a couple of months ago, a neighbor who lives off of Riverside came to the hearing and indicated she had some objections to rezoning that part of the property since Riverside Drive is really just residential as you can see from the yellow on this map (visual aid). We have amended to take that part of the property out of the rezoning request. What we are asking for now is only the part in the yellow that is behind their warehouse is actually currently used for their operations and has been for many years. We are not sure how that was not corrected on the zoning map but it is an oversight that we are now picking up. The new property, or the new expansion of the business is that lot that is south of the showroom on Weinbach Ave.

The Eastview Neighborhood Association met and I spoke with the president, Chris Cook. He indicated that the neighbors had discussed this rezoning and the business at Eastside Marine and the U&D Commitment. I will submit this for the record but Chris gave me a letter, dated February 29, 2012, stating that the Eastview Neighborhood Association met on February 15, 2012 and discussed and voted on this proposed rezoning. It was determined that there were no issues with the change in zoning from C4 and R1 to C4 with U&D Commitment to allow the building of a warehouse associated with Eastside Marine.

Mr. Land, a remonstrator at the Area Plan Commission hearing, has property that is the last house towards the back of the warehouses and he is furthest away from the planned new warehouse. We don't feel we'll have any impact from him. He did complain a bit about noise from the metal buildings back there. My client, Ron Herendeen, has talked to Mr. Land and even discussed potentially purchasing the strip of land, belonging to Mr. Land, adjacent to the showroom. This strip of land is encumbered with quite a few easements; Vectren, a gas line and a sewer easement, but the conversation is ongoing with Mr. Lamb and hopefully it will be resolved amicably. Again I want to point out that his property is furthest removed from any new activity that would be going on at the site.

For zoning criteria, this rezoning is in compliance with the comprehensive plan. The APCs report states that is an area of mixed use, as you can see from the map. Everything running towards Pollack Ave. is commercial and we are only seeking to rezone one additional lot here.

This use is an expansion of the existing business and should not generate any additional traffic or noise. The expansion will allow the business to grow and operate as it has since the 1950s.

I would be happy to entertain any questions as would my clients or we would ask for an approval.

**Councilman O'Daniel:** As I recall from the last meeting, the main concern was an oddly shaped strip of land that looks like it was sectioned off, or replatted or resurveyed. Do your clients own that strip of land between that notch on the back end towards Riverside; about a 50' foot strip of land?

**Krista Lockyear:** Yes. That is where we cut off this rezoning.

**Councilman O'Daniel:** Are there plans to use that in any way?

**Krista Lockyear:** No, not at this point in time and it will remain residential. I'd say ideally, and I'm speaking out of turn probably, but one of the neighbors might want to purchase it at some point in the future. So we've taken that completely off the table for commercial use.

**Councilman O'Daniel:** So that remains R1?

**Krista Lockyear:** R1, Yes

**Councilwoman Mosby:** I also wanted to add that I have spoken with the neighborhood association in that area along with several neighbors and have not received any opposition to this zoning.

**President Robinson:** Any other questions? Councilman Weaver did you have a question? Are there any remonstrators in the audience that would like to address this rezoning?

Is there a motion to adopt Ordinance R-2012-5 as amended and call the roll?

Councilman O'Daniel moved and Councilman Adams seconded the motion to adopt Ordinance R-2012-5 as amended and call the roll.

## **ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

There being nine (9) Ayes and zero (0) Nays, Ordinance R-2012-5 as amended is hereby declared adopted.

## **REGULAR AGENDA**

### **THIRD READING OF ZONING ORDINANCES**

#### **ORDINANCE R-2012-6**

#### **FROM APC**

#### **R-1 to R-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2015 N. Weinbach Avenue.

Petitioner: Robert K. Barber

**Robert Barber:** Good evening Council. First of all, there are several reasons I think this would be a great thing for Evansville. I have my financing already approved through Old National Bank, which required a complete appraisal from Matthews & Associates. Matthews gave it an above rating for the use of that land for apartments. Specifically, Matthews stated the location is within 30-40 seconds of Hwy. 41, with-in five to eight minutes to the eastside and within five to ten minutes of downtown Evansville. I have owned apartments for over 20 years and still own apartments and have collected a lot of data over the years. I think I've put together a pretty good package for my tenants.

I'm building 24 apartments and providing each unit with two carports. A complaint of many people who live in apartments is scraping windshields on cold mornings or getting into their cars when it's raining, so I'm erecting 48 carports at no charge to the tenants. When people move into an apartment it seems they never have enough space to put all their stuff so I'm giving each unit an 8' x 10' separate storage building to the south. I will use the two end storage buildings for lawnmower and other equipment needed around the site.

In speaking with a friend who manages one of the biggest apartment complexes on the eastside, she stated we need more corporate apartments. She has four such units herself and knows there is a need for apartments for people coming into Evansville to work with big firms on a short term basis. She has turned away six because she has no vacancies. She sent these people to Beaver Creek in Warrick County. I'd like to keep them in Vanderburgh County.

This will create a lot of jobs this summer. I'm in material sales and have been for 17 years. I can tell you, business has not been that great for the past three to four years. This will create jobs and materials going to the site.

Inside, these apartments are going to be nice. The kitchen appliances will be GE stainless steel along with granite counter tops and hardwood floors.

I've been through site review and sub review and I think we're ready to go if I get you're OK on this.

**President Robinson:** Are there any questions for Mr. Barber?

**Councilwoman Riley:** Mr. Barber, I just wanted to say that I met with you when you came to my office and showed me the plans. I've been out and looked at the site. I think it's a great area. I've actually looked at some of the other apartments that you've built. I find them to be well above average in terms of quality and they are very well maintained. I think this would be a great addition. A couple of times, I attempted to speak with a resident that lives nearby – I don't know if he's here? I don't believe there are any remonstrators and even though there is a residential property right there, I don't think they have a problem with the apartment complex. I just want to commend you and thank you for bringing this project forward.

**Robert Barber:** I appreciate that.

**President Robinson:** Any other questions or comments from any council members? Is there anyone in the audience that would like to speak for or against this?

Is there a motion to adopt Ordinance R-2012-6 and call the roll?

Councilman Weaver moved and Councilwoman Riley seconded the motion to adopt Ordinance R-2012-6 and call the roll.

#### **ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

There being nine (9) Ayes and zero (0) Nays, Ordinance R-2012-6 is hereby declared adopted.

#### **REGULAR AGENDA**

##### **THIRD READING OF ZONING ORDINANCES**

##### **ORDINANCE R-2012-7                      FROM APC                      M-3 to M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1417 N. Stockwell Road.

Petitioner: Jerry, Betty & Andrea Will, Audrey Christie

**Andrea Will:** Hi. I'm Andrea Will and I'm one of the owners of the property. We are just wanted to down zone the property for lighter commercial use.

**President Robinson:** Do we have any questions for Ms. Will? This is a down zoning. Is there anyone in the audience with comments for or against?

Is there a motion to adopt Ordinance R-2012-7 and call the roll?

Councilwoman Mosby moved and Councilman Adams seconded the motion to adopt Ordinance R-2012-7 and call the roll.

#### **ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

There being nine (9) Ayes and zero (0) Nays, Ordinance R-2012-7 is hereby declared adopted.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2012-8**

**FROM APC**

**R-2 to C-2 with U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3220 Igleheart Avenue.

Petitioner: Gary and Sarah Cooper

**Les Shively:** Madam President, members of the City Council, my name is Les Shively, representing the Coopers this evening. A little history on this property...back in 1948-1949, those of you on the west side might remember this as the Igleheart Food Mart. Sarah's father owned and operated this grocery store until 1981 when he went to work as a bailiff for Judge Swain.

Now Gary and Sarah desire to take this building, and as part of their hobby of collecting antiques, they would like to use this property to display and sell antiques. They would like to open Fridays and Saturdays to the general public and see people by appointment the rest of the time. They live in the neighborhood so they can respond if they get a call.

Here is a picture of the (visual aid) and I'll pass another picture around so you can get a better idea. It really hasn't changed a lot and it's remained in good condition.

We have made this rezoning subject to U&D Commitment that limits the commercial solely to the antique store. No other use under the C2 classification would be allowed at this particular location. We are only going to use the main building. The garage, which is on the property, is only going to be used for storage and not for retail purposes.

Mr. & Mrs. Cooper are in the back and I'm here -- more than happy to answer any questions you have about this rezoning request. As you know, I received a favorable recommendation from the APC; a unanimous vote of 11 for -- 0 against.

**Councilman O'Daniel:** Are there any parking requirements or restrictions on this?

**Les Shively:** We have adequate parking in the front. We need four spots if we don't use the garage as part of the retail operation. If we use the garage we're going to need five spots. We are not going to use the garage; we have four in the front. You can see that...I think we striped it.

**Councilman O'Daniel:** What's this building been used for?

**Les Shively:** It's been vacant. From time to time they've had tenants there but right now it's unoccupied. Right now it's full of a lot of antiques but there is not retail activity going on. It's being used for storage right now.

**President Robinson:** Are there any other questions from any council members or anyone in the audience?

Is there a motion to adopt Ordinance R-2012-8 and call the roll?



Councilman Friend moved and Councilman Adams seconded the motion to adopt Ordinance R-2012-8 and call the roll.

**ROLL CALL**

**Ayes:** M<sup>c</sup>Ginn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

There being nine (9) Ayes and zero (0) Nays, Ordinance R-2012-8 is hereby declared adopted.

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES OR RESOLUTIONS**

<b><u>ORDINANCE F-2012-5</u></b>	<b><u>FINANCE</u></b>	<b><u>FRIEND</u></b>
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An Ordinance of the Common Council of the City of Evansville Authorizing Transfers and Re-appropriations of funds within a City Department

<b><u>RESOLUTION C-2012-4</u></b>	<b><u>FINANCE</u></b>	<b><u>FRIEND</u></b>
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A Resolution of the Common Council of the City of Evansville ratifying the significant amendment to the 2011 Consolidated Housing and Community Development Annual Action Plan

<b><u>RESOLUTION C-2012-5</u></b>	<b><u>FINANCE</u></b>	<b><u>FRIEND</u></b>
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A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2301 St. George Road, Evansville, IN 47711

<b><u>RESOLUTION C-2012-6</u></b>	<b><u>FINANCE</u></b>	<b><u>FRIEND</u></b>
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A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2007 St. George Road, Evansville, IN 47711

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE**

**CHAIRMAN FRIEND**

**Councilman Friend:** Madam President, your Finance Committee met this evening to hear Ordinance F-2012-5 as amended and Resolutions C-2012-4, C-2012-5 and C-2012-6 and all come forward with a do pass recommendation.

Councilman O'Daniel moved and Councilman Friend seconded the motion to adopt the Committee Reports and move these Ordinances and Resolutions to Third Reading. Voice vote. So ordered.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

<b><u>ORDINANCE F-2012-5 (as amended)</u></b>	<b><u>FINANCE</u></b>	<b><u>FRIEND</u></b>
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An Ordinance of the Common Council of the City of Evansville Authorizing Transfers and Re-appropriations of funds within a City Department

Is there a motion to adopt Ordinance F-2012-5 as amended and call the roll?

Councilman O'Daniel moved and Councilman Friend seconded the motion to adopt Ordinance F-2012-5 as amended and call the roll.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

There being nine (9) Ayes and zero (0) Nays, Ordinance F-2012-5 as amended is hereby declared adopted.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-4**                      **FINANCE**                      **FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying the significant amendment to the 2011 Consolidated Housing and Community Development Annual Action Plan

Is there a motion to adopt Resolution C-2012-4 and call the roll?

Councilman McGinn moved and Councilwoman Riley seconded the motion to adopt Resolution C-2012-4 and call the roll.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) Ayes and zero (0) Nays, Resolution C-2012-4 is hereby declared adopted.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-5**                      **FINANCE**                      **FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2301 St. George Road, Evansville, IN 47711

Is there a motion to adopt Resolution C-2012-5 and call the roll?

Councilman Adams moved and Councilman Weaver seconded the motion to adopt Resolution C-2012-5 and call the roll.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) Ayes and zero (0) Nays, Resolution C-2012-5 is hereby declared adopted.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-6**                      **FINANCE**                      **FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2007 St. George Road, Evansville, IN 47711

Is there a motion to adopt Resolution C-2012-6 and call the roll?

Councilman Weaver moved and Councilwoman Mosby seconded the motion to adopt Resolution C-2012-6 and call the roll.

**ROLL CALL**

**Ayes:** M<sup>c</sup>Ginn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) Ayes and zero (0) Nays, Resolution C-2012-6 is hereby declared adopted.

**RESOLUTION DOCKET**

**RESOLUTION C-2012-7(DOCKET) FINANCE COUNCIL AS A WHOLE**

A Resolution of the Common Council of the City of Evansville in support of Economic Development Incentives offered to SealCorp, USA by the City of Evansville to locate new operations in the facility on 1179 East Diamond Avenue, Evansville, IN 47711

**Debbie Dewey:** Again, for the record, I'm Debbie Dewey, president of the Growth Alliance for Greater Evansville. I'm here tonight with Mr. Kenneth Rust, the president of SealCorp, as well as Mr. Croft, who is their chief chemist. What we are here to do is to ask for your support in the Resolution which is for a training grant for SealCorp.

Not too long ago, Mr. Rust called GAGE and his company was well on the path to relocating in another state, had identified several locations in that other state and had favorable response from utilities in that other state. He called to ask if there was something that we might do to persuade them to take another look at Evansville so that they could stay here. We worked with commercial realtors Sperry Van Ness/Martin Group as well as with Vectren to look at a move-in ready facility that exists here in Evansville as well as to put together utility rider opportunities.

We actually put together informational packets for Mr. Rust to be reviewed by his board prior to their vote. The vote was four to two to stay here on the condition that the incentives offered would be provided. This property is located in the Enterprise Zone so they will automatically have 74% tax abatement for ten years as designated by the Enterprise Zone without any additional action.

We've also proposed a training grant that would be used to train new employees, all Evansville residents. This proposal is for a 50/50 match with the company and the grant, up to a maximum of \$18,000.

SealCorp's relocation to another state would represent a loss of 47 jobs to Evansville, Vanderburgh County. In addition to retaining the 47 jobs, they're going to be expanding in the new location, which is larger, and adding another 35 jobs. The economic impact over the next ten years to our community is approximately \$434,000.00 and the new tax revenues created by this are \$90,000.00. This is in addition to the taxes collected for existing equipment that will be moved into this new facility that would have otherwise gone to another city and state.

Again, those are the recommendations for the training grant. Are there any questions? We have Mr. Rust and Mr. Croft to answer any questions.

**Councilman Adams:** I just want to point out that this is up to \$18,000 and it's only for Evansville residents.

**Debbie Dewey:** Evansville residents and it has to be a 50/50 match with company money.

**Councilman Adams:** Pardon my ignorance, but what does your company do?

**Ken Rust:** For the record, I'm Ken Rust, president of SealCorp, USA. It's kind of hard to explain but we manufacture sealants, EPDM roofing business, we're into oil pipelines. A lot of the things we do are private label so I can't really be specific on whom our...

**Councilman Adams:** Who you already have.

**Councilman Friend:** Give me some idea of what you're talking about.

**Ken Rust:** Any roof that has an EPDM roof, rubber roof, we make the accessories for that; the tape and the seam tape. That's one of the things we are big in. A lot of our stuff is product development for special things.

**Councilman Friend:** Are you ISO 9000?

**Ken Rust:** No, we are not, however we are as good as they are.

**Councilman Friend:** Okay. What'd you say, you have 47 employees now? Where is the source of the spending coming from?

**Ken Rust:** She would know this (indicating Dewey).

**Debbie Dewey:** Based on what we did last year with SS & C Training Grant, and we also had another training grant that was passed by City Council, my understanding is it can come from several different sources. It could come from appropriations that were made in a fund that the mayor had control of and I will defer to Russ Lloyd the controller who is here in case I'm wrong on this. Or it could come before the Council for an appropriation from something else. It could come from the bond bank as well. So there are multiple sources depending upon where the city would like the money to come from.

**Councilman Friend:** May I add, the type of verifications we had...I talked to your office earlier; I think it was Donna I was talking with. What kind of verifications do you do on the current employment levels?

**Debbie Dewey:** What we have, we've got for the state. They have state incentives that they're getting as well and they have to fill all that out with the existing information on the tax rolls and everything that goes in and that has to be verified.

**Councilman Friend:** Did you review the UC1s filed in the last quarter?

**Debbie Dewey:** We have not asked them to do the UC1s.

**Councilman Friend:** Okay.

**Debbie Dewey:** But I will tell you, Mr. Rust will tell you he has 47 employees. I think a competitor has raised the issue that he does not.

**Councilman Friend:** Oh I know. I know that.

**Councilwoman Riley:** (To Ken Rust) Hey, thank you for talking with me today on the telephone. I really appreciate how quickly you responded. I had received an email, as you know, from a constituent concerned about the environmental impact. I was thrilled to find out how environmentally friendly your company is and there aren't actually any emissions. But because I had received an email from a constituent I wanted to put on the record, I wanted to go ahead and ask you and let you explain. Essentially you are replacing a competitor. The old ADCO was a competitor of yours; you are making essentially the same type of products.

The question I received were what sort of emissions or odors is associated with the production of sealants and adhesives?

**Ken Rust:** Well, we have zero. Everything we do is internal. There is nothing sent out into the air; no exhaust fans. Without really getting into our formulations and everything, we really don't have any hazardous materials. We use natural rubbers. Most everything is natural. If you want to hear more details, my chief chemist can elaborate.

**Councilwoman Riley:** Actually I just wanted to satisfy this constituent. I think it's fantastic. I understand that you're not even putting anything down the drain, I mean other than your bathroom facilities.

**Ken Rust:** No. We don't allow anything to escape.

**Councilwoman Riley:** So because you've answered the first question that there is zero that actually eliminates the need for the other two questions. I really appreciate your time and I enjoyed talking to you today. I hope if there is anything I can do...I'm thrilled to have you as a new resident of the 3<sup>rd</sup> Ward and thank you very much.

**Ken Rust:** Thank you.

**Debbie Dewey:** I'd like to add a little bit more to your previous question. The training grant is only for new employees and they have to submit all of the receipts for the new employees and everyone that they hire to show that they did the 50/50 split. And then any of the other incentives would not take effect until the paperwork goes before the state for those credits.

**Councilman Friend:** Do they look to see if they're going to have in federal credits? This is something for the employees...if there have been hardships, like if they've been laid off for six months.

**Ken Rust:** We haven't applied for anything like that. But I want to go on record: our employee count can be independently confirmed by our outside payroll preparer, Kruse Dicus. We do not do our internal payroll so we can have that independently reported on if anyone wants it.

**Councilman Friend:** So if we want to know what the exact...

**Ken Rust:** Currently 47. I believe we just hired a two more -- it might be 49.

**Councilman Friend:** So we could verify that?

**Ken Rust:** Yes. I sign every paycheck and I believe I sign 47.

**Councilman Friend:** I'm just curious. What's your average...

**President Robinson:** Does it make a difference if they have 45 or 47?

**Councilman Friend:** Well no. No not really. Now what's your average hourly rate?

**Ken Rust:** Average, top to bottom, is about \$19.50. We have about 10 salaried and the rest are hourly. We have engineers from bottom to top.

**Councilwoman Mosby:** I just want to thank Donna in GAGE for making sure this company does stay in Evansville and I want to thank you for your commitment to Evansville. I think it's wonderful and I'm glad you have that many employees.

**Ken Rust:** I want to thank Donna and Debbie here and Chance. They really helped us out in a bind. We are lucky for this to happen.

**Councilman Friend:** How much additional investment when you move? Do you have any idea on the numbers?

**Ken Rust:** On the investment to what?

**Councilman Friend:** I mean you're going to put more investment in of course.

**Ken Rust:** Correct. Yes, 2.6 million over 10 years. That's probably very conservative. We are involved in a number of product developments. That's what we do. We develop and then we manufacture what we develop. So we know what we've developed in the last three years is launched already and we know what we are going to have to spend for that. Plus we are in the middle of quite a few more for the next five years. So we think that's a conservative number.

**Councilman McGinn:** Just a quick question. You used to do business under a different name did you not? Were you not Ruvan?

**Ken Rust:** That's my two uncles and my dad. Yes. We've been there for 50 years.

**Councilman McGinn:** That's what I want to get in. You've been a good, solid resident of Evansville for, is it 50 years now?

**Ken Rust:** Yes, 50 years.

**Councilman McGinn:** I don't know how long you've been there. My daughter, when she was a sophomore at DePauw, did her internship at Ruvan.

**Ken Rust:** Oh really?

**Councilman McGinn:** She still speaks of what a pleasant experience it was. These guys aren't new. They're a good, solid corporate citizen of our city.

**Ken Rust:** We looked at the other sites outside the state once before in the 90s so that's why we gravitated in that direction. We did not think there was anything available in Evansville and really, we were in trouble. And of course GAGE is great. They did a good job for us.

**President Robinson:** Thank you. Is there a motion to adopt Resolution C-2012-7?

Councilman McGinn moved and Councilwoman Mosby seconded the motion to adopt Resolution C-2012-7 and call the roll.

**President Robinson:** Madam Clerk, why don't we have a roll call please?

#### **ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) Ayes and zero (0) Nays, Resolution C-2012-7 is hereby declared adopted.

#### **MISCELLANEOUS BUSINESS**

The next City Council meeting will be Monday, May 21, 2012 at 5:30 p.m. Committee meetings will begin at 5:05 p.m. on May 21<sup>st</sup>.

We have several people that have asked to speak tonight. We'll start off with Jennifer Mason of Keep Evansville Beautiful.

**Jennifer Mason:** Give him a second to get that pulled up and I do have handouts for you as well. Good evening. I'm Jennifer Mason, public affairs for Keep Evansville Beautiful. Michael Lockard and I are here to speak on behalf of Keep Evansville Beautiful tonight. We're here to bring to light issues surrounding political sign placement in our city and county. Before we begin, we want to state that Keep Evansville Beautiful is a non-profit organization and we are here solely to represent our mission.

We believe political candidates come from the heart of the community to fulfill a desire to provide excellent public service to their neighbors and we encourage them in their efforts. What Keep Evansville Beautiful is asking is for supportive action from City Council to alleviate in any uncertainty from political candidates in the use and placement of their political signs.

There are two concerns that we bring before you. First is the defacing of public property with political signs. For example, you may have noticed during the primary campaigns this year, there was placement of bumper stickers on to utility poles. We have an example of that. The second issue is the use of tractor trailers as bill boards for political advertisement. Although it is legal to use tractor trailers for advertisements, there are existing codes that dictate the proper use

of this type of vehicle for political signs. If you'll notice in the photo, the placement is on a grassy field and that is one of the no-no's as far as that's concerned. But I'm going to let Michael Lockard speak to the regulations.

**Michael Lockard:** Ladies and gentleman of the Council, thank you for allowing us to speak tonight. My name is Mike Lockard with Keep Evansville Beautiful. I'm with the Government Affairs Committee.

Two of things that we put up there are just two of the examples we are trying to focus on. Nothing that we're doing is oriented towards anything of a political nature so much as it is of a regulatory nature. One of the things that I'm sure all of you are familiar with, and in fact it was given to us by the county clerk, is the Indiana election pamphlet that they give out on what is proper, what is appropriate and what is allowed for signs. One of the things it deals with is placing political signs, and I'm reading it here, placing political signs with the approval of the property owner, may be subject to local zoning relation; ask your local plan commission. We've talked to the election board, we talked to the county clerk and we've talked to the plan commission. The one that you see on the left hand side (*visual aid*), I think everybody is very familiar with, you are not allowed to put bumper stickers on traffic control signals. That one there kind of speaks on its own.

The other one though is kind of a new animal that we just saw popping up this year. I noticed it and several others noticed people using tractor trailers rigs where they are wrapping them or somehow using them for advertising. This is not limited to political advertising. This is tractor trailers as a whole. You are not allowed to use them in the fashion at least that we're showing up here and there are a couple of examples of that. Our source is the INDOT outdoor advertising control manual. It specifically says that if the tractor trailer is used for advertising, it must be either traveling on the road, and this one I assure you is not, or it must be parked on a paved parking lot. So INDOT specifically says that a tractor trailer cannot be used for advertising unless it's driving down the highway or it's on a paved commercial lot. If any of you own enough land to park one in front of your house, you're not allowed to do that, at least as far as INDOT's concerned along the highways. The other thing is if it is used for advertising, in the fashion you see here, it must go through the normal regulatory approval process that would be required for any kind of commercial sign.

One of the things we'll be doing is talking to one of the agencies that control this, most specifically, INDOT, in that anything that's along the right-of-way needs to be within INDOT approval.

The secondary issue, and we come to you not only as an issue if dealing with signs as a whole, but also as a safety issue. We find too often, especially during campaign season, that there are a lot of people who think that if they stake out whatever intersection has the highest traffic count, "well if my sign is out there first, I'm the best one out there". Unfortunately, local code and INDOT says "no, you don't get to put signs along the right-of-way".

What we are trying to ask is that you guys help support us in educating the candidates and their volunteers so that they know ahead of time that they are not allowed to put those signs out there in the right-of-way.

Just because it's the best intersection in Evansville does not mean that you get to put a sign out there. And it's not just for the political season; it is bake sales, computer repair, lawn mower



repair. I mean we've all see them. They're not supposed to be putting them out there. And so we'll hope that you guys will kind of help us with that as we move forward with all the different bodies in supporting us as we support the election board in telling them, "You're not supposed to put things in the right-of-way". Because, if you're putting something in the middle of Hwy. 41 and Lynch Road, you're dodging traffic...if they're doing the speed limit, they're doing 40. Most the time it's probably more than that, so it's a safety issue and we hope that you'll help support us as we move forward this issue.

If you have any questions, please let me know.

**Councilwoman Riley:** Thank you. I'm curious as to who's driving this. Are you receiving complaints from the public?

**Jennifer Mason:** This is an issue that's come out of our Government Affairs Committee. Basically, it's a way not to just address political signs but any and all signs that are out there for the community. Specifically whenever we started to research it, we found is that whenever candidates file for candidacy during the electoral process, they're given a link through the county clerk's office where they can go and find information and that's what that brochure that Michael held up was about. That's just the tip of the ice berg. Other than their guidance to say check with your area planning commission, that type of thing, there is really no other real type of guidance to the candidate. So if you'll allow me to finish quickly, what Keep Evansville Beautiful is asking for is supportive action from City Council to alleviate any uncertainty from political candidates in the use and placement of their political signs.

We believe this can be accomplished through clarity and accountability. Clarity is assured by providing to the applicant, when they file for candidacy, a written document jointly created by Area Plan and the Election Board, explicitly outlining the placement and use of political signs. The same document should be placed on the Area Plan on the county clerk's website clearly labeled for candidates seeking office.

Accountability is achieved through a signed acknowledgement from the candidate that they have read and understand the local codes for political sign use and placement. The document would be provided to the candidate at the time of the filing for office and it would be signed along with the declaration of candidacy.

In summary, Keep Evansville Beautiful requests that Area Plan and the election board send a letter to current political candidates. This letter will clearly and simply regulate the placement of political signs and be sent as soon as possible. Keep Evansville Beautiful requests that this document be provided at the time of filing for future elections, both for individuals and for groups that support ballot questions.

Again, Keep Evansville Beautiful requests your support for this action to this issue to provide clarity and accountability to those that are seeking to serve the public through the electoral process. We will offer any assistance or guidance to the agencies that are responsible for codes, providing information to candidates or enforcement.

**Michael Lockard:** Did that answer your question? *(to Councilwoman Riley)*

**Councilwoman Riley:** My question had been, were you receiving complaints from the public regarding these political signs.

**Michael Lockard:** I know. I can personally say for myself that yes I have had people, not just political signs, that why we want to make sure that we're not dwelling on political signs. We've had many issues over the years where people have said, you know you go out to any wooden pole that's on a corner and you'll find any number of things tacked up on there. That's in a public right-of-way and it's not allowed. So it is not focused on the campaign season it's just that during the campaign season, the number of signs can increase exponentially. But yes, we have had concerns from various people on signs as a whole. This one is just kind of the tip of the ice berg.

**Jennifer Mason:** It is more noticeable during the campaigning season and this is a way for the community leaders that are going out and filing for candidacy to help, you know alleviate, to bring to light the issue of, just in general, signs being placed haphazardly throughout the community without checking what specific codes exists.

**Michael Lockard:** And we just finished the primary so right now things are kind of at a lull. But I think we all can agree that, moving forward, we are going to the signs start popping up more and that's why we're hoping to be a little more proactive with telling people this is what you're supposed to do, rather than being reactive after they're already out in the intersection.

**Councilwoman Riley:** I just have two more questions and I'll try and be quick. Approximately how many complaints have you received from the public?

**Michael Lockard:** This goes back a number of years. I couldn't actually say how many this year other than, I don't know, half dozen, dozen, give or take. But this thing about the signs being on the poles and in the intersections. I've been involved in local zoning and neighborhood work for over 20 years. It is a constant thing, alright? And as somebody who used to be on the Area Plan Commission, I can tell you that the Plan Commission gets these types of complaints on a very frequent basis.

**Jennifer Mason:** And again, also it is a focus of the Keep Evansville Beautiful mission. Whenever we're looking at, you know, the one slide with the bumper sticker half pulled off from the utility pole, that type of thing. That's affecting our mission and we're trying to strive for is to bring to light those issues to be a catalyst for the community and to call citizens to action to be responsible and accountable for themselves.

**Councilwoman Riley:** My last question is who is going to enforce? I mean, the reason I ask is my opponent – where were you last year? – I mean my opponent dropped a hundred signs in public easements and right-of-ways the weekend before the election. I had complained but who is going to enforce? I'm curious, as this is sort of an unfounded mandate in the sense that, who's supposed to be out there pulling the signs in public places?

**Michael Lockard:** I can take part of that. If it is in a federal or state right-of-way, absolutely it is an INDOT issue. I have the name, email and phone number of the gentleman who is with INDOT who oversees this. On local right-of-ways, it's a combination because part of it is Area Plan Commission and Board of Public Works and the Board of Public Safety. You know there is kind of a combination factor there. But during the political season, then the office of the county

clerk is involved as well. So it's a combination factor when you get off of state and federal highways.

**Jennifer Mason:** And again, we want to preempt this in the future by just asking for some clarity, other than what's already being received by candidates that are filing. Because right now, all they get is that website link to go to the states' website and if they're just looking at that brochure and it doesn't actually outline local laws that already exist. We are not asking for the creation of new ones or new codes or enforcement. We're just asking that we follow what we already have in place and to follow and to also provide a little bit more clarity to the candidate.

**Michael Lockard:** Jennifer's slide here is absolutely wonderful in terms of illuminating how it is kind of a catch 22. The INDOT manual, and I've been around for a while, is almost 80 pages long. And that part about tractor trailers takes about three paragraphs out of the overall INDOT advertising manual. It doesn't say political advertising, it says INDOT advertising. So it's kind hidden and even at the state election level, in the pamphlet it passed around, it just says check your local zoning code. It doesn't even mention INDOT, it just says right-of-way. Well right-of-way is different when you've got the local level versus the state and federal level. State and federal is all handled by INDOT. Local intersections though are handled locally and one of the things too you notice in the brochure, it says that removal of signs has to be left to the authoritative body in charge of it. That's always been a sticky issue. You're not allowed to go out and remove signs if you're not really in charge of removing the signs. That always raises an eye.

**Councilman O'Daniel:** Just a couple things. I don't disagree with you about signs in the public right-of-way and control over that. And I think generally when people see that, there is generally a call made, whether county garage or city garage or INDOT comes through and picks up signs in the public right-of-way. What I am more concerned about, you are talking about tractor trailers and advertising on private property. If it's in the right-of-way, I think that's one thing. You sort of said it yourself that you were talking about advertising and I think political speech is sort of a different animal which would be a billboard. You've shown an example of that out by Target and I think there is one out Morgan Ave. and Hwy. 41, the old Golden Cream donuts place. But that strikes me as considerably different than in the right-of-way or a commercial advertisement. Has anybody from Keep Evansville Beautiful or anybody looked at the constitutional speech aspect of that and how that may play a part in this? Or is that something that, as you go forward in trying to create a document that is all encompassing, that will be talked about.

**Michael Lockard:** And that's why this more or less generated as a suggested guideline because what you're referring to really is the First Amendment right of free speech and being able to advertise politically for and office. And so there have been some comments back and forth with some of the legal counsel that I know of that asked, "What do you think of this particular issue"? The whole deal goes back to what INDOT says in their advertising manual. It's very clearly says if the tractor, and again, it doesn't say politics versus advertising, it just says if the tractor trailer is not street legal, does not have immediate access to a public highway, or, and I point to the one that was up there earlier, is not attached to a rig, in other words, it's a free standing trailer, it is deemed outdoor advertising and must receive zoning approval. If you think of all the billboards in town, if you can imagine every single billboard being used for a political ad, all of those billboards went through the zoning approval process. Those tractor trailers don't go through the zoning approval process. We showed you one. Well, it kind of stands that if one person says if I

can wrap a tractor trailer, boy I can stick that out there for Lord knows how much less than a full size bill board. How many tractor trailers are we going to find placed all over Evansville? So that was our idea. Being proactive so that we go ahead and say look, if you're going to wrap it and set it in the middle of a lot, you have to do it per local code. Local code says even if it is political advertising, if it is commercial it must be on a paved commercial lot. The ones we've seen and I think the ones you're referring to are sitting in the middle of a grassy field. So by the very definition, they're in violation of local code because advertising signs of that nature must be on a paved lot.

**Councilman O'Daniel:** So taking this one step further then, if Keep Evansville Beautiful then addressed this with, well I guess since this is a county election, I don't know if it would be the county maintenance crew or not. Should they be going out there on private property to remove these signs?

**Michael Lockard:** That one I'm going to refer to Mr. Hamilton and see what he says versus the county attorney. That becomes a very sticky issue because if you look at the brochure that I handed around, that's one of the very next statement it says hey, if you're going put a sign out it must be in a certain quantity or it has to be zoned as advertising. The very next paragraph is removal of those signs in the right-of-way. It goes back to it has to be an authorized person. The general public is not authorized to go out and say, well, that sign's not legal, I'm not going to do it. That's a no-no and we're not advocating that. We're just hoping to help educate, not only the candidates but the numerous volunteers that they have because they have good intentions at heart but they are not really in compliance with all the regulations and that's what we want to try to help with.

**Councilman Adams:** I get the bit about being on the main street, main drag, and I've had some of my signs taken up and appropriately so. On private property, whether there is grass, whether there is pavement, I don't buy it, I really don't. I know you are looking for support but I think we have so much trouble getting people to the polls; it's a limited amount of time. This is silly. This is an invasion of private property. *(Scattered applause)* But I mean really, I think this is a step to far. And I understand this is state law, but frankly, I just want to see more interplay, more stimulation. We have a huge problem; we have some big issues to deal with this fall and I think this is Mickey Mouse on private property. Whether you have pavement or whether you have grass. I just don't buy it.

**Michael Lockard:** Dr. Adams, you and I have talked before on other issues and I see what you're saying. It's one of those catch 22s because at the same time, Lord knows we've got plenty of billboards in this county. We are not lacking for the number of billboards that are overheard. Do we really want to have an open license that if you've got enough money to park a tractor trailer anywhere you want, you can wrap it up and make it into an advertising sign? Because, yeah, here we are talking about political advertising but I can tell you there are a number of things that I've talked to Area Plan about recently where people are advertising other things, having nothing to do with politics, using this same methodology of putting it on the side of a semi-trailer. APC has very clearly said, no, that's not within zoning regulations. So, like I said, it's a very fine line, but, you know, I understand and respect what you're trying to say.

**Councilman Adams:** I've plan on Area Plan for four and a half years. I've gotten no complaints about signs and so forth like that. So obviously, you're more sensitive to the issue.

Again, private property... Okay if you've paved the darn thing, not okay if you've got grass. Political issue -- I think it's a First Amendment thing. I really agree with you, I don't buy it, period. That's it.

**John Hamilton:** If I can follow up on Connor's comment... this has been addressed before, locally. I know several years ago this issue came up and I think we did an amendment to the ordinance to allow the picking up of signs in right-of-ways to expedite that process. But Connor is right. You get into laws that are very restrictive on freedom of speech issues. Safety can trump freedom of speech but that's about the only thing that can trump it. As far as the tractor trailers, you get into several issues. First, is it legal to park it there in the first place, regardless of whether it has a sign? And if it's legal to park it there in the first place, then the sign may be allowed also. You know, you can have tractor trailers that drive around all the time with advertising on them. So the issue there may be is it legal to park it there period. Again, that goes to enforcement. APC and Safety Board normally enforce these things. If you get into jurisdictional issues, INDOT may apply to state highways; it may not apply to local. But, this body usually gets involved when the Area Plan Commission comes and says, hey this is a problem. We need you to clarify our ordinance. That happened several years ago but it hasn't happened since that I know of. But usually, the involvement of the City Council is when an ordinance needs some type of amendment.

**Michael Lockard:** And I guess the question I would have for you, Dr. Adams, taking what Mr. Hamilton said: If the tractor trailer was not legally parked, and again, I'm being very narrow, would you agree that the trailer would not be allowed?

**Councilman Adams:** *(Response inaudible)*

**Michael Lockard:** Again, on private property, if it is not legally allowed. Because the lot that we showed happens to be zoned commercial and commercial zoning for parking a tractor trailer requires a paved surface. So, I throw it back to you... if it's not actually legal per our local code, would you agree that if it's not legal then, no matter what's on it, it shouldn't be there?

**Councilman Adams:** *(Response inaudible)*

**Jennifer Mason:** And I don't want to lose sight either. We're not asking for a recreation of what already exists. We're asking for support to go to Area Plan and the Election Board to provide clarity to candidates so that they're not haphazardly placing bumper stickers on utility poles and such and that they are placing their signs within the code.

**Michael Lockard:** I think it's very good to give people information and let them know what's expected of them as a candidate or as a business if they're trying to advertise and those sorts of things. And we ought to make our ordinances or our rules more transparent so we can understand them. I want Evansville to look better and those sorts of things. I don't know, I have to stop the line at like freedom of speech. Freedom of speech is kind of an important thing, you know? And I think it should be exercised at every opportunity that we can get it, and really, where ever people can do it. Whether it be, you know, if they want to stand in the middle of the road and say, you know, whatever they want. I do think that should be encouraged rather than discouraged. And we're not trying to discourage free speech. I mean, God knows as big of mouth as I've got, I'd never discourage that. That was not our purpose here. It was to show you a couple of examples and get your input on it, and hopefully your support. If not for every letter

of what we showed, at least for the overall concept of what we're trying to do, which is to Keep Evansville Beautiful.

**President Robinson:** I think for, just my personal opinion, for the political signs you need to go to the different party chairmen. I'd see Mr. Park back there for the republicans, then I'd see Jack McNeely for the democrats and ask them to talk to their candidates about where they put their signs.

**Michael Lockard:** I had not thought about that. Thank you.

**President Robinson:** As for enforcement, I don't know whose going to enforce it. We don't have the manpower or the money.

**Councilwoman Riley:** Yeah, that's my problem with pushing support. I wanted to ask Mr. Hamilton a question. It's my understanding that we passed an ordinance at some point that does allow some local organization or agency to pick-up the signs?

**John Hamilton:** When they are in right-of-ways, yes.

**Councilwoman Riley:** You know I've watched the last eight election cycles and have never seen enforcement. It's really difficult to support, you know, telling candidates. Some of the candidates will follow the rules and then there are always the ones that don't. And then there is no enforcement of it and it's really difficult to weigh in and interfere with candidates running their campaigns when you've got candidates that aren't following the rules and no one is actually out picking up the signs.

**Michael Lockard:** Yeah, and in residential areas I am especially sensitive to what you're saying because right-of-way may be in a neighborhood that is so secluded, nobody would ever notice the difference. But then if we are talking the intersection of the Lloyd and Hwy. 41, not only is the highway traveled, it's also, you know, there's a lot of cars through there. And so there's the safety aspect. I think we are all totally sensitive to what you're saying: if we can't enforce it's difficult to do anything with it.

**Councilman O'Daniel:** It does strike me that perhaps the best way to solve this is to talk about it. Because, if we have rules and someone is running for political office or judge or whatever it may be, and they're not following the rules, maybe that's something to point out.

**Michael Lockard:** Yeah and you just hit the nail on the head as to why we came down here. We just got done with the primary and moving forward to the general election, we're just hoping to provide some, you know, gentle guidance to people. Whether they follow the rules or not, we are not in charge of enforcing. We are not trying to be the heavy hand of the law. We're just saying that we'd like for them to at least look at what the rules are and try to be in compliance. If they're not, it's up to whatever regulatory body covers that to enforce that, be that the party chair, the Election Board or INDOT. All we can do is pass the information along. What they do with that is left up to them as the regulatory body.

**Councilman Adams:** It's also interesting to me how quickly these signs disappear after an election. I think society tolerates it during that period of time. Okay, thank you for your comments.

**Michael Lockard:** Thank you.

**Jennifer Mason:** Thank you.

**President Robinson:** We'll have the Sherman Greer of the Emergency Management Agency presentation. Okay, that's not Sherman.

**Adam Groupe:** No it isn't. Good evening, Adam Groupe. I'm Deputy Director of the Emergency Management Agency. Director Greer is on his way back from Indy, got caught in traffic so he asked me to fill in for him.

You should have received a CD Rom (*inaudible speaking away from mike*). You should have received a CD Rom that has a copy 2011 update of the county and city's' comprehensive emergency management plan. That is a plan that we do an update to every two years; takes about a year to get that update out to your council, to the commissioners. That plan is actually adopted as city and county ordinance, every time we do a rewrite and that's state law that requires that. So we are asking that you accept this revision of the plan. So if you have any questions on it....

*Inaudible speaking away from mike*

**Councilman O'Daniel:** I was just going to comment that I received it in disc form but I've not reviewed the whole thing.

*Inaudible speaking away from mike*

**Adam Groupe:** Previously we did hand out nine binders and they're about that high apiece (*Visual gesture as to thickness*) and we felt like we should try and save some trees. There are minimal changes, most of them reflect a change in state codification. We are doing very little differently than we've done previously but it is a requirement that we update it every two years.

**Clerk Matlock:** Would you give me your last name?

**Adam Groupe:** Groupe, G R O U P E

**Councilman O'Daniel:** I guess I make a motion to table this until we've all had the opportunity to...

**President Robinson:** We don't have to take a vote or anything on it. He just wanted us to look at it and I asked...(*inaudible*)

**Adam Groupe:** And there is an executive summary on there also. And basically, like I said, there are very few revisions from the previous version that the councils have approved. It's just something that we're required by state and federal law to update every two years.

**President Robinson:** Okay. Thank you, we appreciate it.

**Adam Groupe:** Thank you.

**President Robinson:** Okay, next I have under, under miscellaneous...I have two individuals here that want to talk about EarthCare, and that was on the First Reading and we usually don't do points of discussion until Second and Third Reading. But I'm not going to refuse anyone from speaking tonight. This is America. So, Wayne Park.

**Wayne Park:** I'll try not to use the word EarthCare. My name is Wayne Park and I am a retired business guy and I also happen to be chairman of the Vanderburgh County Republican Party but I'm not here talking about this from a party standpoint.

I want to commend the City Council and the mayor's office for all the work they're doing trying to attract jobs here to Evansville and the Evansville area. I think that, as we all know, the number one issue on everybody's minds is the economy and jobs. So I certainly encourage you to continue to do that. There may have been a bit of a bump in the road in this last project but I encourage you to keep working to do that. I also want to commend the City Council for some extra work that was done. In looking at things and reexamining things, and all that. I think we can say that the process worked. There were a few bumps along the road but the process worked. I particularly want to thank Stephanie and Dan for the work they did and the rest of the council members, we won't go through everyone, for all they did trying to look and reexamine this thing. I also want to commend Mayor Winnecke for pulling the plug on the thing. I think this last \$4.8 million dollar project was one that needed to be done and needed to be pulled so I commend the mayor for doing that. And I do know of, of course, the resolution that you talked about earlier.

But my primary purpose here is to encourage you to relook at the process and that is the process of vetting and approving projects to come to town. I think it's very important that you re-establish what the real roles that certain people are. As a city council, you have unbelievable power and authority. You create the laws, you can change the laws and that whatever needs to be done from a commission standpoint, from a committee standpoint, that I encourage you to re-examine. Do not create a more burdensome process. Create something that is faster but make sure that accountability and responsibility is established. Because what's important is that we must not miss an opportunity. Being a retired business guy, I know the importance of the fact of confidentiality. I also understand that there must be transparency as well, not only with the public but internally within yourself of the various organizations. So I encourage you; encourage you, One: Let's keep moving forward and looking for jobs, for good high paying jobs to come to Evansville. Don't let this stumble in our way. Let's keep right at it, and good to see SealCorp and your approval of that. And so I encourage you to do that because sometimes when things go wrong we tend to throw up our hands and say no more of that. But we certainly cannot afford that and I know that you won't. So my main purpose is to encourage you to continue to look at jobs and responsibilities because you guys are the group that's the legislative body and the physical body for our great city.

Thank you very much.

**President Robinson:** Someone might have a question. Does anybody have any questions or comments for Mr. Park? *(no questions or comments)* Well thank you for your comments. We appreciate it. Next, Mr. Day.



**Jeff Day:** Good evening. My name is Jeff Day. I live at 6000 Berry Lane. I came to tell Ms. Brinkerhoff-Riley, more than anyone else, thank you for the job, and your effort relative to the situation that Mr. Park just alluded to. I don't believe, ever in my life, I've stood anywhere and gave appreciation to a democrat. I don't believe this; I think this is the first time in my life. And I'm very sincere because I think it was your effort that led this, that caused that to be turned around.

So then, that having been said, I now want to comment on the deal with the billboards and the semi-trucks, the public didn't get the opportunity to ask those two folks questions.

**President Robinson:** My apologies.

**Jeff Day:** That's OK. But what I want to do is I want to tell Mr. Adams first that he's correct when he talks about the yard signs disappearing quickly. Because I can tell you there are persons in both political parties that are asked regularly to go remove yard signs throughout the city within three, four days of the election. I have to be one of them that do that quite regularly for the GOP, but yes, they do.

But what troubles me that I want to talk about is the semi. I do not have any cat in the fight, but last fall, across the Lloyd Expressway from The Pub, there's a business. And that business was asked by a BBQ shop clear on the west side to park a semi on his property advertising the BBQ shop. And they did it. And the person that owns the property was not getting but \$50.00 a month to put that semi there; that's all they wanted. The man that owns the BBQ shop cannot afford to pay Lamar. When the gentleman standing here, you know everything I heard was? We've got to protect Lamar. Now that's what I think it's all about, parking the semi, because there's nothing unlawful about that semi sitting there. But we've got to protect Lamar. And I think that's really bad.

So what I hope you'll do is keep in mind that there are times that somebody ought to be able to do something for...but what's funny is, at the same time that semi was sitting on south side of Lloyd, was not a semi but whatever you call the covered truck that is nowhere near as big as a semi - like a half truck for a plumbing company. And always leaves his truck sitting right there on the street. Why is okay and the semi...and the BBQ shop cannot afford to advertise his store, the fledgling. He can't do that. So I hope you'll consider not doing what they say but will consider allowing people that are small businesses not to be forced; that the only way they can advertise is with Lamar. Thank you.

**President Robinson:** Thank you. Ok, yes. Yes you can come up here now.

**Charlene Braker:** Yes, Charlene Braker, 1700 E. Blackford. I was really glad that the discussion on the signs came up. Jim just went outside and made a phone call because this has been on our mind for about two years now.

We have heard from a business on, I forget, either on Lincoln, Washington, Bellemeade, I don't know. A couple of years ago...this is a food business that was told by, I assume it was the Area Plan Commission, I don't know, that they could no longer put up their...advertise without paying for this advertisement. It's on their own property as far as I know or at least they're renting the property. Well that didn't concern us just a whole lot. It happened to be an ethnic restaurant to be truthful. It really didn't concern us that much other than, you know you feel like, wait a

minute. Why can't they advertise? That was as far as that went. But then, this past...well it was the Potter's Wheel so it was before Christmas. They were going to have a bazaar, flea market, whatever you want to call it. We have a friend who lives right down the street who called us all upset. Goes to the Potter's Wheel...do you know that the Potter's Wheel was told that they had to pay \$25.00 for every single yard sign that was placed in a yard? To advertise?

Now Jim just called this lady just to verify what I'm saying to make sure that I'm not giving out false information. We don't know. This lady said...Also, it extended beyond that. Potter's Wheel refused to pay the \$25.00 fee for every yard sign that was put in yards. So they went ahead and had the bazaar; they had their Christmas program or whatever, without their yard signs, without their advertising. But this was impersonal, people who attended this church. Would you believe, now this in on good faith, the National Guard Armory was told that they were not allowed to put signs in front of the armory. The armory apparently paid the fine, but the National Guard, if I'm not...the armory told whomever, whatever agency this was that illegal, that they could not do that and they were refunded their money.

So, I mean honestly, I didn't get this information out of my head. People come to us because they know we come to this city council and tried to get us to speak about it. *(Inaudible background)* I'm not sure. Do you know Honey? What agency was it? *(Inaudible voices in background)*

So apparently they took the sign from the armory from out front. The armory was saying if we can have a sign above; we can also have it on the ground. Something like that. A sign in the ground.

But anyway, I really wish you guys, as city council members would investigate because it's going to be coming up again. If churches are unable to put out advertising in their own parishioner's (yards), on private property, there's something wrong. And that's why when this was brought up about the signs, you just get this feeling like, oh my gosh, here we go again. They are going to try to get us into a place where we've got to ask permission to use our own yards for our own belief system. Thank you. Thank you for not...

**Councilman O' Daniel:** You know, there are a lot of non-profits and we put signs in our yard all the time. At our corner business, you know, Lynch and Oakhill, it's kind of a busy intersection. We'll let people put up signs for pumpkin sales, to Jr. League rummage sales to whatever it may be. Churches all along the way. I've never heard of anybody having to pay a sign fee for that. I understand like a business because we have regulation as far as the height, the scope of that. But non-profits and those sort of things...if they do have to I think it is something I think we need to look into.

**Charlene Braker:** Right. I mean it is the Potter's Wheel so if you would like to investigate further you can call and ask them. I encouraged the lady who called us to come down here, and she was, they were going to. But the reason she didn't appear is because she's not familiar with the City Council and the next Monday, we didn't have a city council meeting so by then, they'd already had their bazaar. So to them it wasn't an issue until it's going to come up again this year. But anyhow, just to alert you, we're going to stay on top of it and we'll protest and...

**President Robinson:** ...*(inaudible)* our liaison with the Area Plan Commission...*(inaudible)*...  
Dr. H. Dan Adams

**Charlene Braker:** Thank you.

**Stan Wheeler:** Stan Wheeler, I'm with a Boy Scout troop and we pay a \$25.00 fee at Christmas to put signs at the overpass on the Lloyd at Harper school that says, you know, tree lots at Vann Ave. And then we also do one at Harrison. That's where the \$25.00 fee is. That's right and you can just let everybody just go up and put signs on the overpass. So they have a \$25.00 fee to deter people putting anything and everything up there. That's what the \$25.00 fee is about.

**Councilman O' Daniel:** Stan, since we've got you up there, let me ask you...since you're our representative on the ERC. When is the hotel study coming...

**Stan Wheeler:** 8:30. 8:30 in the morning. That's what the paper says. I didn't find it out from the ERC or the DMD. I found it out from the newspaper on the internet, that they're going to bring it up in a meeting tomorrow, and it is not on the agenda.

**Councilman O' Daniel:** Not on the agenda. Wow, it sure is taking a long time. That'll keep me up at night.

**Councilman Friend:** Its tomorrow afternoon.

*Inaudible*

**President Robinson:** I see Berniece Terminstein in the audience tonight. How many of you know that she was awarded and now she is a Kentucky Colonel?

*Applause*

**President Robinson:** So they do have people that live in the state of Indiana that are Kentucky Colonels. And she's up there with Mohammed Ali and Colonel Sanders. *Inaudible* Yes, Winston Churchill. And Bernie, we appreciate you coming. You haven't made any comments lately but I know you're... *Inaudible*

**Berniece Terminstein:** I'm going to make it short. It is with humility that I accept this honor. I do value it. I've always felt that we as citizens should and must have an open line of communication with members of the city council and the leaders of our city to establish better government and thus make for a better community. I thank God who's given me courage, strength, guidance and understanding to persevere and speak out. To all of you, I say thank you.

**President Robinson:** Thank you Berniece.

*Applause*

**COMMITTEE REPORTS:**

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE:**

Re: Ordinance F-2012-7

Date: May 21, 2012

Time: 5:05 p.m.

Notify: Ted Ziemer

Re: Ordinance F-2012-6

Date: May 21, 2012

Time: 5:10 p.m.

Notify: Russell G. Lloyd, Jr.

Re: Ordinance G-2012-9

Date: May 21, 2012

Time: 5:15 p.m.

Notify: City Council/John Hamilton

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2012-7

Date: May 21, 2012

Time: 5:20 p.m.

Notify: Maria Worthington

**CHAIRMAN JOHN FRIEND**

Approving the issuance of Refunding Bonds of the City of Evansville, IN, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

Authorizing transfers of appropriations additional appropriations, and repeal and re-appropriation of funds for various city funds.

Repealing Ordinance F-2012-1  
(EarthCare)

**CHAIRMAN DAN McGINN**

Petition to vacate a public way or public place, part of SE 5<sup>th</sup> Street in Donation Enlargement.

**President Robinson:** And also, next Monday will be our city clerk's last city council meeting. Can all council members please be in attendance?

**A.S.D. COMMITTEE:**

Re: Ordinance G-2012-8

Date: May 21, 2012

Time: 5:25 p.m.

Notify: John Hamilton

**CHAIRMAN MISSY MOSBY**

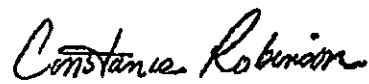
Designating Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission.

**ADJOURNMENT**

**President Robinson:** Can I have a motion to adjourn?

Councilman O'Daniel moved and Councilwoman Riley seconded the motion to adjourn. Voice Vote. So Ordered. Meeting adjourned at 7:00 p.m.

  
\_\_\_\_\_  
Alberta Matlock, City Clerk

  
\_\_\_\_\_  
Constance Robinson, President

ROLL CALL

PLEDGE OF ALLEGIANCE

RECOGNITION OF SCHOOLS

TEEN ADVISORY COUNCIL

READING AND AMENDMENT OF MINUTES

REPORTS AND COMMUNICATIONS

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-7 PUBLIC WORKS McGINN

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the right-of-way part of S.E. 5<sup>th</sup> Street, in Donation Enlargement

ORDINANCE G-2012-8 A.S.D. MOSBY

An Ordinance designating a Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission for Non-Quota Liquor Licenses

ORDINANCE G-2012-9 FINANCE (FRIEND) RILEY

An Ordinance Repealing Ordinance F-2012-1

ORDINANCE F-2012-6 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

ORDINANCE F-2012-7 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville approving the Issuance of Refunding Bonds of the City of Evansville, Indiana, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

ORDINANCE R-2012-12 TO APC CO-2 to C-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 301 Chestnut Street, Evansville, Indiana 47713

Petitioner: CAD Group, LLC  
Owners: Masonic Temple  
Representative: Craig Goedde  
District: Connie Robinson, Ward 4

**CONSENT AGENDA**

**SECOND READING OF ZONING ORDINANCES**

**ORDINANCE R-2012-5 amended FROM APC C-4 & R-1 to C-4 with U & D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2317 S. Weinbach Avenue & 1804 E. Riverside

Petitioner: East Side Marine, Inc.  
Owners: Robert Wayne and Dixie Lee Herendeen  
Representative: Krista B. Lockyear  
District: Missy Mosby, Ward 2

This petition comes forward with a recommendation from the Area Plan Commission, having 8 affirmative votes, 2 negative votes, and 1 abstention.

**ORDINANCE R-2012-6 FROM APC R-1 to R-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2015 N. Weinbach Avenue.

Petitioner: Robert K. Barber  
Owners: Robert K. & Teresa E. Barber  
Representative:  
District: Stephanie Brinkerhoff-Riley, Ward 3

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes and 1 abstention.

**ORDINANCE R-2012-7 FROM APC M-3 to M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1417 N. Stockwell Road.

Petitioner: Jerry, Betty & Andrea Will, Audrey Christie  
Owners: Jerry, Betty & Andrea Will, Audrey Christie  
Representative:  
District: John Friend, Ward 5

This petition comes forward with a recommendation for approval, having 11 affirmative votes.

**ORDINANCE R-2012-8 FROM APC R-2 to C-2 with U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3220 Igelheart Avenue.

Petitioner: Gary and Sarah Cooper  
Owners: Gary and Sarah Cooper  
Representative:  
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval, having 11 affirmative votes.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2012-5 amended FROM APC C-4 & R-1 to C-4 with U & D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2317 S. Weinbach Avenue & 1804 E. Riverside

Petitioner: East Side Marine, Inc.

**ORDINANCE R-2012-6 FROM APC R-1 to R-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2015 N. Weinbach Avenue.

Petitioner: Robert K. Barber

**ORDINANCE R-2012-7 FROM APC M-3 to M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1417 N. Stockwell Road.

Petitioner: Jerry, Betty & Andrea Will, Audrey Christie

**ORDINANCE R-2012-8 FROM APC R-2 to C-2 with U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3220 Igelheart Avenue.

Petitioner: Gary and Sarah Cooper

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE F-2012-5 FINANCE FRIEND**

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers and Re-appropriations of funds within a City Department

**RESOLUTION C-2012-4 FINANCE FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying the significant amendment to the 2011 Consolidated Housing and Community Development Annual Action Plan

**RESOLUTION C-2012-5 FINANCE FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2301 St. George Road, Evansville, IN 47711

**RESOLUTION C-2012-6 FINANCE FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2007 St. George Road, Evansville, IN 47711

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE F-2012-5 FINANCE FRIEND**

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers and Re-appropriations of funds within a City Department

**RESOLUTION C-2012-4**                      **FINANCE**                      **FRIEND**

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**RESOLUTION C-2012-6**                      **FINANCE**                      **FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2007 St. George Road, Evansville, IN 47711

**RESOLUTION DOCKET**

**RESOLUTION C-2012-7(DOCKET)**                      **FINANCE**                      **FRIEND**

A Resolution of the Common Council of the City of Evansville in support of Economic Development Incentives offered to SealCorp, USA by the City of Evansville to locate new operations in the facility on 1179 East Diamond Avenue, Evansville, IN 47711

**MISCELLANEOUS BUSINESS**

The next City Council meeting will be Monday, May 21, 2012 at 5:30 p.m. Committee meetings will begin at 5:10 p.m. on May 14<sup>th</sup>.

**Cheryl Musgrave:** Keep Evansville Beautiful. Speaking about temporary sign violations.

**Sherman Greer:** Emergency Management Agency Presentation.

**ADJOURNMENT**



The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

**ROLL CALL**✓ M<sup>c</sup>GINN✓ FRIEND✓ O'DANIEL0 MOSBY✓ LINDSEY✓ WEAVER✓ BRINKERHOFF-RILEY✓ ADAMS✓ ROBINSON

There being 8 members present, 1 members absent, and 8 members representing a quorum, I hereby declare this session of Common Council officially opened.

**PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance will be led by Friend.

Fellow Councilmen and those in the audience, welcome to the May 14, 2012 meeting of the Common Council.

**RECOGNITION OF SCHOOLS**

Are there any students in the audience who would like to be recognized?

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

**COUNCIL ATTORNEY**

This evening John Hamilton is City Council Attorney.

**SERGEANT AT ARMS**

This evening Officer Mon/Comery is our Sergeant at Arms.

**READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING**

Is there a motion to approve the minutes of the April 23, 2012 meeting of the Common Council as written?

Councilman Friend moved and Councilman \_\_\_\_\_ seconded the motion that the minutes of the regular meeting of the Common Council held

April 23, 2012 be approved as written. Voice vote. \_\_\_\_\_ So ordered. \_\_\_\_\_

**REPORTS AND COMMUNICATIONS**

**IN YOUR MAY 11<sup>TH</sup> PACKET:**

- \*City Council Agenda for the May 14, 2012 City Council meeting.
- \*Committee Meeting Schedule.
- \*City Council Meeting Minutes from the April 23, 2012.
- \*Ordinances G-2012-7, G-2012-8, and G-2012-9.
- \*Ordinances F-2012-5 Addendum, F-2012-6, and F-2012-7.
- \*Resolution Docket C-2012-7.
- \*Rezoning Ordinance R-2012-4 as amended.
- \*Rezoning Ordinance R-2012-12.
- \*Area Plan Commission Staff Field Reports and Minutes from April 12, 2012 APC Meeting.
- \*List of Meetings for May, 2012 in the City/County Administration Bldg.
- \*Financial Report dated March 2012.
- \*Legal Aid Society Invitation.
- \*EMA report on CD.

**ON YOUR DESK THIS EVENING:**

Councilman Friend moved and Councilman Hindsey

seconded the motion to receive, file and make these reports and communications a part of  
the minutes of the meeting. Voice vote. ✓ So ordered. ✓

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-7                      PUBLIC WORKS                      MCGINN**

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the right-of-way part of S.E. 5<sup>th</sup> Street, in Donation Enlargement

**ORDINANCE G-2012-8                      A.S.D.                      MOSBY**

An Ordinance designating a Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission for Non-Quota Liquor Licenses

**ORDINANCE G-2012-9                      FINANCE (FRIEND)                      RILEY**

An Ordinance Repealing Ordinance F-2012-1

**ORDINANCE F-2012-6                      FINANCE                      FRIEND**

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

**ORDINANCE F-2012-7                      FINANCE                      FRIEND**

An Ordinance of the Common Council of the City of Evansville approving the Issuance of Refunding Bonds of the City of Evansville, Indiana, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

**ORDINANCE R-2012-12                      TO APC                      CO-2 to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 301 Chestnut Street, Evansville, Indiana 47713

Petitioner:                      CAD Group, LLC  
Owners:                      : Masonic Temple  
Representative:                      Craig Goedde  
District:                      Connie Robinson, Ward 4

Is there a motion to adopt the Consent Agenda, First Reading as written?

Councilman Adam S moved and Councilman O'Daniel seconded the

Motion to adopt the Consent Agenda First Reading as written.

Voice vote. ✓ So ordered. ✓

**CONSENT AGENDA**

**SECOND READING OF ZONING ORDINANCES**

**ORDINANCE R-2012-5 amended FROM APC C-4 & R-1 to C-4 with U & D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2317 S. Weinbach Avenue & 1804 E. Riverside

Petitioner: East Side Marine, Inc.  
Owners: Robert Wayne and Dixie Lee Herendeen  
Representative: Krista B. Lockyear  
District: Missy Mosby, Ward 2

This petition comes forward with a recommendation from the Area Plan Commission, having 8 affirmative votes, 2 negative votes, and 1 abstention.

**ORDINANCE R-2012-6 FROM APC R-1 to R-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2015 N. Weinbach Avenue.

Petitioner: Robert K. Barber  
Owners: Robert K. & Teresa E. Barber  
Representative:  
District: Stephanie Brinkerhoff-Riley, Ward 3

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes and 1 abstention.

**ORDINANCE R-2012-7 FROM APC M-3 to M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1417 N. Stockwell Road.

Petitioner: Jerry, Betty & Andrea Will, Audrey Christie  
Owners: Jerry, Betty & Andrea Will, Audrey Christie  
Representative:  
District: John Friend, Ward 5

This petition comes forward with a recommendation for approval, having 11 affirmative votes.

**ORDINANCE R-2012-8 FROM APC R-2 to C-2 with U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3220 Igelheart Avenue.

Petitioner: Gary and Sarah Cooper  
Owners: Gary and Sarah Cooper  
Representative:  
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval, having 11 affirmative votes.

Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman Friend moved and Councilman Weaver seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. ✓ So ordered. ✓ Council now stands at Third Reading which is final action.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2012-5 amended FROM APC C-4 & R-1 to C-4 with U & D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2317 S. Weinbach Avenue & 1804 E. Riverside  
Petitioner: East Side Marine, Inc.

Krista Lockyear  
O'Daniel  
Lockyear  
O'Daniel  
Lockyear  
O'Daniel  
Mosby  
Robinson

Is there a motion to adopt Ordinance R-2012-5 as amended and call the roll?

Councilman O'Daniel moved and Councilman Adams seconded the motion to adopt Ordinance R-2012-5 as amended and call the roll.

**ROLL CALL**

<u>✓</u> M <sup>c</sup> GINN	<u>✓</u> FRIEND	<u>✓</u> O'DANIEL
<u>✓</u> MOSBY	<u>✓</u> LINDSEY	<u>✓</u> WEAVER
<u>✓</u> BRINKERHOFF-RILEY	<u>✓</u> ADAMS	<u>✓</u> ROBINSON

There being 9 Ayes and 0 Nays, Ordinance R-2012-5 as amended is hereby declared ADOPTED/~~DENIED~~.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2012-6**

**FROM APC**

**R-1 to R-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,  
more commonly known as 2015 N. Weinbach Avenue.

Petitioner: Robert K. Barber

Robert Barber  
Robinson  
Riley  
Barber  
Robinson

Is there a motion to adopt Ordinance R-2012-6 and call the roll?

Councilman Weaver moved and Councilman Riley seconded the  
motion to adopt Ordinance R-2012-6 and call the roll.

**ROLL CALL**

✓ M<sup>c</sup>GINN

✓ FRIEND

✓ O'DANIEL

✓ MOSBY

✓ LINDSEY

✓ WEAVER

✓ BRINKERHOFF-RILEY

✓ ADAMS

✓ ROBINSON

There being 9 Ayes and 0 Nays, Ordinance R-2012-6 is hereby declared  
ADOPTED/~~DENIED~~.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2012-7**

**FROM APC**

**M-3 to M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,  
more commonly known as 1417 N. Stockwell Road.

Petitioner: Jerry, Betty & Andrea Will, Audrey Christie

Andrea Will  
Robinson

Is there a motion to adopt Ordinance R-2012-7 and call the roll?

Councilman Mosby moved and Councilman Adams seconded the  
motion to adopt Ordinance R-2012-7 and call the roll.

**ROLL CALL**

✓ McGINN

✓ FRIEND

✓ O'DANIEL

✓ MOSBY

✓ LINDSEY

✓ WEAVER

✓ BRINKERHOFF-RILEY

✓ ADAMS

✓ ROBINSON

There being 9 Ayes and 0 Nays, Ordinance R-2012-7 is hereby declared  
~~ADOPTED/DENIED~~

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2012-8 FROM APC R-2 to C-2 with U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,  
more commonly known as 3220 Igelheart Avenue.

Petitioner: Gary and Sarah Cooper

Les Shivley  
O'Daniel  
Shivley  
O'Daniel  
Shivley

Is there a motion to adopt Ordinance R-2012-8 and call the roll?

Councilman Friend moved and Councilman Adams seconded the  
motion to adopt Ordinance R-2012-8 and call the roll.

**ROLL CALL**

✓ M<sup>rs</sup>GINN spoke

✓ FRIEND

✓ O'DANIEL

✓ MOSBY

✓ LINDSEY

✓ WEAVER

✓ BRINKERHOFF-RILEY

✓ ADAMS

✓ ROBINSON

There being 9 Ayes and 0 Nays, Ordinance R-2012-8 is hereby declared  
ADOPTED/~~DENIED~~.



**CONSENT AGENDA**

**SECOND READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE F-2012-5** **FINANCE** **FRIEND**

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers and Re-appropriations of funds within a City Department

**RESOLUTION C-2012-4** **FINANCE** **FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying the significant amendment to the 2011 Consolidated Housing and Community Development Annual Action Plan

**RESOLUTION C-2012-5** **FINANCE** **FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2301 St. George Road, Evansville, IN 47711

**RESOLUTION C-2012-6** **FINANCE** **FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2007 St. George Road, Evansville, IN 47711

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE**

**CHAIRMAN FRIEND**

**Councilman Friend:** Madam President, your Finance Committee met this evening to hear Ordinance F-2012-5 as amended and Resolutions C-2012-4, C-2012-5, and C-2012-6 and all come forward with a (do pass/do not pass) recommendation.

*Friend*

Councilman O'Daniel moved and Councilman Friend seconded the motion to adopt the Committee Report and move this Ordinance and Resolutions to Third Reading. Voice vote. ✓ So ordered. ✓

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE F-2012-5 (as amended)**

**FINANCE**

**FRIEND**

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers and Re-appropriations of funds within a City Department

Is there a motion to adopt Ordinance F-2012-5 as amended and call the roll?

Councilman O'Daniel moved and Councilman Friend seconded the motion to adopt Ordinance F-2012-5 as amended and call the roll.

**ROLL CALL**

☒ M<sup>c</sup>GINN

☒ FRIEND

☒ O'DANIEL

☒ MOSBY

☒ LINDSEY

☒ WEAVER

☒ BRINKERHOFF-RILEY

☒ ADAMS

☒ ROBINSON

There being 9 Ayes and 0 Nays, Ordinance F-2012-5 as amended is hereby declared ~~ADOPTED/DENIED~~.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-4**

**FINANCE**

**FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying the significant amendment to the 2011 Consolidated Housing and Community Development Annual Action Plan

Is there a motion to adopt Resolution C-2012-4 and call the roll?

Councilman McGINN moved and Councilman Riley seconded the motion to adopt Resolution C-2012-4 and call the roll.

**ROLL CALL**

✓ MCGINN

✓ FRIEND

✓ O'DANIEL

✓ MOSBY

✓ LINDSEY

✓ WEAVER

✓ BRINKERHOFF-RILEY

✓ ADAMS

✓ ROBINSON

There being 9 Ayes and 0 Nays, Resolution C-2012-4 is hereby declared  
ADOPTED/~~DENIED~~.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-5**

**FINANCE**

**FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2301 St. George Road, Evansville, IN 47711

Is there a motion to adopt Resolution C-2012-5 and call the roll?

Councilman Adams moved and Councilman Weaver seconded the motion to adopt Resolution C-2012-5 and call the roll.

**ROLL CALL**

☒ M<sup>c</sup>GINN

☒ FRIEND

☒ O'DANIEL

☒ MOSBY

☒ LINDSEY

☒ WEAVER

☒ BRINKERHOFF-RILEY

☒ ADAMS

☒ ROBINSON

There being 9 Ayes and 0 Nays, Resolution C-2012-5 is hereby declared  
~~ADOPTED/DENIED.~~

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-6**

**FINANCE**

**FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 2007 St. George Road, Evansville, IN 47711

Is there a motion to adopt Resolution C-2012-6 and call the roll?

Councilman Weaver moved and Councilman Mosby seconded the motion to adopt Resolution C-2012-6 and call the roll.

**ROLL CALL**

☒ MCGINN

☒ FRIEND

☒ O'DANIEL

☒ MOSBY

☒ LINDSEY

☒ WEAVER

☒ BRINKERHOFF-RILEY

☒ ADAMS

☒ ROBINSON

There being 9 Ayes and 0 Nays, Ordinance C-2012-6 is hereby declared  
ADOPTED/~~DENIED~~.

**RESOLUTION DOCKET**

**RESOLUTION C-2012-7(DOCKET) FINANCE COUNCIL AS A WHOLE**

A Resolution of the Common Council of the City of Evansville in support of Economic Development Incentives offered to SealCorp, USA by the City of Evansville to locate new operations in the facility on 1179 East Diamond Avenue, Evansville, IN 47711

Debby Dewey	Riley	Russ
<del>Debby Adams</del>	Tim Russ	Friend
Tim Russ	Riley	Russ
Adams	Russ	McGinn
Friend	Riley	Russ
Russ	Dewey	McGinn
Friend	Friend	Russ
Dewey	Russ	Robinson
Friend	Friend	
Dewey	Robinson	
Friend	Friend	
Dewey	Russ	
	Mosby	

Is there a motion to adopt Resolution C-2012-7?

Councilman \_\_\_\_\_ moved and Councilman \_\_\_\_\_ seconded the motion to adopt Resolution C-2012-7 . Voice Vote. So Ordered.

**OR CALL THE ROLL**

**ROLL CALL**

<input checked="" type="checkbox"/> MCGINN	<input checked="" type="checkbox"/> FRIEND	<input checked="" type="checkbox"/> O'DANIEL
<input checked="" type="checkbox"/> MOSBY	<input checked="" type="checkbox"/> LINDSEY	<input checked="" type="checkbox"/> WEAVER
<input checked="" type="checkbox"/> BRINKERHOFF-RILEY	<input checked="" type="checkbox"/> ADAMS	<input checked="" type="checkbox"/> ROBINSON

There being 9 Ayes and 0 Nays, Resolution C-2012-7 is hereby declared ADOPTED/~~DECLINED~~.

**MISCELLANEOUS BUSINESS**

The next City Council meeting will be Monday, May 21, 2012 at 5:30 p.m. Committee meetings will begin at 5:05 p.m. on May 21<sup>st</sup>.

**Jennifer Mason:** Keep Evansville Beautiful. Speaking about temporary sign violations i.e. political signs, yard sale signs, and semi trailers used as billboards.

**Sherman Greer:** Emergency Management Agency Presentation.

Jennifer Mason	Lockard	O Daniel
Michael Lockard	Robinson	Stan Wheeler
Riley	Riley	Friend
Mason	Hamilton	Stan Wheeler
Riley	Riley	Robinson
Lockard	Lockard	Bernice Terministein
Mason	O Daniel	
Lockard	Lockard	
Riley	Adams	
Lockard	Robinson	
Mason	Adam Groupe	
Riley	Robinson	
Lockard	O Daniel	
Mason	<del>O Daniel</del>	
Lockard	Adam Groupe	
O Daniel	Wayne Parks	
Lockard	Robinson	
O Daniel	Jeff Day	
Lockard	Robinson	
Adams	Jeff Day	
Lockard	Charlene Braker	
Adams	Robinson	
Hamilton	Charlene Braker	
Lockard	O Daniel	
Adams	Charlene Braker	
Mason	Robinson	
O Daniel	Stan Wheeler	

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE:**

Re: Ordinance F-2012-7  
Date: May 21, 2012  
Time: 5:05 p.m.  
Notify: Ted Ziemer

Re: Ordinance F-2012-6  
Date: May 21, 2012  
Time: 5:10 p.m.  
Notify: Russell G. Lloyd, Jr.

Re: Ordinance G-2012-9  
Date: May 21, 2012  
Time: 5:15 p.m.  
Notify: City Council/John Hamilton

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2012-7  
Date: May 21, 2012  
Time: 5:20 p.m.  
Notify: Maria Worthington

**A.S.D. COMMITTEE:**

Re: Ordinance G-2012-8  
Date: May 21, 2012  
Time: 5:25 p.m.  
Notify: John Hamilton

**CHAIRMAN JOHN FRIEND**

Approving the issuance of Refunding Bonds of the City of Evansville, IN, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

Authorizing transfers of appropriations additional appropriations, and repeal and re-appropriation of funds for various city funds.

Repealing Ordinance F-2012-1  
(EarthCare)

**CHAIRMAN DAN MCGINN**

Petition to vacate a public way or public place, part of SE 5<sup>th</sup> Street in Donation Enlargement.

**CHAIRMAN MISSY MOSBY**

Designating Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission.

**ADJOURNMENT**

Councilman Daniel moved and Councilman Riley

seconded the motion to adjourn. Voice Vote. \_\_\_\_\_ So Ordered. \_\_\_\_\_

Meeting adjourned at 7:00 p.m.